

### REMARKS

The official office action dated April 16, 2003 has been carefully considered. Claims 1-20 remain in the application. Claims 1-20 have been revised to more particularly point out and distinctly claim the present invention. The amendments to the claims are believed to be fully supported by the specification, drawings and claims as originally filed. Accordingly, no new matter is believed or intended to be involved. As a result, Applicants believe the changes presented herewith, are sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

#### *Claim Rejections – 35 U.S.C. §102*

Claims 1-20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,765,161 to Williamson. However, as will be set forth in detail below, Williamson does not teach or suggest all the elements of revised independent claims 1, 9 or 20. Accordingly, Applicants believe these claims are patentably distinguishable over the Williamson reference. Additionally, since claims 2-8 and 10-19 depend from and include the same distinctive features of one claims 1 and 9, these claims are also patentably distinguishable of Williamson. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Applicants can find no teaching or suggestion in Williamson of a method in an appliance with a relatively stationary component and a rotatable vessel for holding a supply of material, where one of the steps of the method comprises the step of causing the vessel to engage the relatively stationary component by rapidly accelerating the rotation of the vessel as recited in independent claim 1. Additionally, Applicants can find no teaching or suggestion of an appliance comprising, among other elements, a control arranged and configured to rapidly accelerate a rotation of the vessel causing the vessel to engage a stationary part as recited in claim 9 or of an appliance comprising, among other elements, a control operatively connected to the motor and

configured to rapidly accelerate a rotation of the vessel through operation of the motor causing the vessel to engage the relatively stationary housing as recited in claim 20.

In other words, in each of the independent claims Applicants recite that the vessel “engages” or bumps a stationary part of the washer, such as the housing, during a rapid acceleration of the vessel. Applicants determine the amount of energy with which the vessel engaged the stationary part and compare that measurement to a predetermined value. If the amount of energy exceeds the predetermined value, a signal is sent which indicates an unbalanced condition.

In contrast, U.S. Patent No. 4,765,161 to Williamson teaches an out-of-balance control for a laundry machine. This reference teaches that to avoid an unbalance problem, an input signal is provided from a variable frequency drive to an out-of-balance control. The input signal is a “real-time”, current signal, proportionate to the power drawn by a motor in rotating the drum. The variations in strength of the signal are proportionate to the variations in the torque requirements for rotating the drum. Applicants can find no teaching or suggestion in the reference of causing the vessel to engage a stationary part, such as a housing and determining the amount of energy with which the vessel engaged the stationary part as recited in independent claims 1, 9 and 20.

Anticipation under 35 U.S.C. §102(b) requires the disclosure in a single prior art reference of each of the claims under consideration, *Alco Standard Corp. v. TVA*, 1 U.S.P.Q. 2d 1337, 1341 (Fed. Cir. 1986). In view of the failure of the Williamson reference to disclose all the elements/steps as recited in independent claims 1, 9 and 20, the Williamson reference does not disclose each element of the claims under consideration and therefore does not anticipate the present claims under 35 U.S.C. §102(b). Moreover, since claims 2-8 and 10-19 depend from and include the same distinctive features of one of independent claims 1 and 9, these claims are also not anticipated by Williamson. It is therefore submitted that the rejection under 35 U.S.C. §102(b) has been overcome. Reconsideration is respectfully requested.

For the reasons presented above, it is believed that the application, as now presented, is in condition for allowance, and that there are no remaining issues in the application. Allowance of the application as now presented, and passing of the application to issue are respectfully solicited.

If for any reason the Examiner feels that this amendment does not so place the application in condition for allowance, it is respectfully requested that he promptly contact applicants undersigned attorney by telephone at the number shown below so that suitable steps may be taken to place the application in such condition.

Further and favorable action is respectfully requested.

Respectfully submitted,

  
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Dated: 6-20-03


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**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

Date:

June 20, 2003

  
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Barbara L. Katowich

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